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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/740,047

12/18/2000

Grant M. Brehm

50860-P019US-10020181

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7590

05/13/2004

DALLAS OFFICE OF FULBRIGHT & JAWORSKI L.L.P.
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EXAMINER

BARNIE, REXFORD N

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 05/13/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/740,047

Applicant(s)

BREHM ET AL.

Examiner

REXFORD N BARNIE

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on appl filed 12/10/2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

R. Barnie
REXFORD BARNIE
PRIMARY EXAMINER

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brockman et al. (US Pat# 5,592,530, cited by applicant) in view of Stewart et al. (US Pat# 6,389,112) or D'Eletto (US Pat# 6,078,647).

Regarding claims 1, 25 and 70, Brockman teaches a method for gathering performance data for services including capturing signaling data, generating performance data (call detail records) about interconnection services in a communication and then sending the information to an external server in (see col. 16

Art Unit: 2643

and figs.). Brock man fails to teach in detail monitoring completed calls, call count and so forth.

Stewart teaches a method and apparatus for monitoring of network switches in (see fig. 8, col. 16) where status of calls can be monitored including call connection rate, failure rate, total attempts, quality and so forth.

D'Eletto teaches a method and apparatus for monitoring calls traversing a network based on signaling data in (see figs.). Furthermore, call count; Busy attempt, identifying data service provider and so forth can be determined based on call detail record analysis in (see col. 3 line 9-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either Stewart or D'Eletto into that of Brock man thus making it possible to monitor call traffic and to take corrective measures, if necessary.

Regarding claims 2-24, 26-41 and 71-83, see the explanation as set forth above in addition to the fact that the combination teaches and renders obvious the claimed subject matter.

Regarding claim 42, see the explanation as set forth regarding claim 1 because call detail record analysis would be performed by an interconnection analysis server.

Regarding claims 43-56, see the explanation as set forth above in addition to the fact that the combination teaches and renders obvious the claimed subject matter.

Regarding claim 57, Brockman teaches a method for gathering performance data for services including capturing signaling data by using monitors, generating

Art Unit: 2643

performance data (call detail records) about interconnection services in a communication and then sending the information to an external server in (see col. 16 and figs.). Brockman fails to teach in detail monitoring completed calls, call count and so forth.

Stewart teaches a method and apparatus for monitoring of network switches in (see fig. 8, col. 16) where status of calls can be monitored including call connection rate, failure rate, total attempts, quality and so forth.

D'Eletto teaches a method and apparatus for monitoring calls traversing a network based on signaling data in (see figs.). Furthermore, call count; Busy attempt, identifying data service provider and so forth can be determined based on call detail record analysis in (see col. 3 line 9-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either Stewart or D'Eletto into that of Brockman thus making it possible to monitor call traffic and to take corrective measures, if necessary.

Regarding claims 58-69, see the explanation as set forth above in addition to the fact that the combination teaches and renders obvious the claimed subject matter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is (703)306-2744. The examiner can normally be reached on M-F 9:00-6:00.

Art Unit: 2643

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free):

PRIMARY EXAMINER
REXFORD BARNIE
05/10/04

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